

PATENT

Applicant Gassenmeier et al.
Serial Number 09/800,624
Filed March 7, 2001
Confirmation No. 7473
Art Unit 1761
Examiner Wong
Title **ORGANOLEPTIC COMPOSITIONS: USE OF 3-MERCAPTO
ALKANOIC ACID ESTERS AS FLAVOR INGREDIENTS**
Attorney Docket No. GRISA 710

Cincinnati OH 45202

October 4, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO CORRECT PATENT TERM ADJUSTMENT

Responsive to the Patent Term Adjustment under 35 U.S.C §154(b) mailed with the August 23, 2006 Issue Notification, Applicants herein request correction of the Adjustment of Patent Term for the above-referenced application, now U.S. Patent No. 7,105,194, under 37 C.F.R.§§ 1.181 and 1.705.

In good faith and candor, Applicants believe that the Patent Term Adjustment of two hundred and sixty (260) days is incorrect. Specifically, the U.S. Patent and Trademark Office's delay of two hundred and sixty days is incorrect and should be shorter.

As suggested by Mr. Kerry Fries of the Office of Patent and Legal Administration during a telephone interview with Dr. Henry Laboda, Technical Advisor, Wood Herron, & Evans, on October 3, 2006, the calculation error appears to have occurred after the October 29, 2004 Request for Continued Examination. Mr. Fries also indicated that he would need more time to ascertain where the error(s) occurred.

Thus, Applicants respectfully request that the Patent Term Adjustment be corrected. This patent is not subject to a terminal disclaimer.

Applicant also requests that the \$200 fee for the Petition as set forth in 37 C.F.R. §1.18(e) be waived because the error appears to be due to a U.S. Patent and Trademark Office error. However, should any charges or credits be necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

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